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LAUTERBORN

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL
MARINO, Tax ID. 873220, Individually and in
his Official Capacity, ASSISTANT CHIEF
PATROL BOROUGH BROOKLYN NORTH GERALD
NELSON, Tax Id. 912370, Individually and in
his Official Capacity, DEPUTY INSPECTOR
STEVEN MAURIELLO, Tax Id. 895117,
Individually and in his Official Capacity,
CAPTAIN THEODORE LAUTERBORN, Tax Id.
897840, Individually and in his Official
Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.
919124, Individually and in his Official
Capacity, ST. FREDERICK SAWYER, Shield No.
2567, Individually and in his Official
Capacity, SERGEANT KURT DUNCAN Shield No.
2583, Individually and in his Official
Capacity, LIEUTENANT CHRISTOPHER BROCHART,

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2 Tax Id. 915354, Individually and in his
3 Official Capacity, LIEUTENANT TIMOTHY
4 CAUGHEY, Tax Id. 885374, Individually and
5 in his Official Capacity, SERGEANT SHANTEL
6 JAMES, Shield No. 3004, Individually and in
7 his Official Capacity, and P.O.'s "JOHN DOE"
8 #1-50, Individually and in their Official
9 Capacity, (the name John Doe being
10 fictitious, as the true names are presently
11 unknown) (collectively referred to as "NYPD
12 Defendants"), JAMAICA HOSPITAL MEDICAL
13 CENTER, DR. ISAK ISAKOV, Individually and
14 in his Official Capacity, DR. LILLIAN
15 ALDANA-BERNIER, Individually and in her
16 Official Capacity, and JAMAICA HOSPITAL
17 MEDICAL CENTER EMPLOYEE'S "JOHN DOE" #1-50,
18 Individually and in their Official
19 Capacity, (the name John Doe being
20 fictitious, as the true names are presently
21 unknown),

22 Defendants.

23 -----

24 111 Broadway

25 New York, New York

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November 7, 2013

3

10:10 A.M.

4

5

VIDEO DEPOSITION of THEODORE

6

LAUTERBORN, the Defendant in the

7

above-entitled action, held at the above

8

time and place, taken before Dawn Miller, a

9

Notary Public of the State of New York,

10

pursuant to court order and stipulations

11

between Counsel.

12

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refers to?

MS. METTHAM: Objection. You
can answer.

A. I don't think so.

Q. Did you ever witness any
downgrading or improper classifications
going on at the 81?

MS. METTHAM: Objection. You
can answer.

A. No.

Q. Were there any numerical quotas
imposed on the Police Officers at the 81?

MS. METTHAM: Objection. You
can answer.

A. No.

Q. Can you tell me the first time
that you learned or suspected that there
was a Quad Investigation of the 81?

MS. METTHAM: Objection. Asked
and answered. You can answer again.

MR. KRETZ: Objection.

A. I can't say what time or what
date I learned of it.

Q. Can you tell me when you first

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2 suspected that there was a Quad
3 Investigation going on?

4

MS. METTHAM: Objection.

5

A. Sometime in the summer of 2009.

6

Q. What triggered that suspicion on
7 your part?

8

A. The request for a couple hundred
9 Complaint Reports.

10

Q. Who made that request?

11

A. I don't know who it was.

12

Q. How did you learn about the
13 request?

14

A. Through conversations with
15 Inspector Mauriello.

16

Q. He told you or you told him?

17

A. He brought it up. He knew that
18 it was from -- what I could remember, he
19 knew they were pulled.

20

Q. When did you first learn that
21 Schoolcraft was recording members of the
22 service?

23

A. Well, I had some idea on the
24 night of October 31st when we saw the
25 recording device.

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2 Q. Did you have any idea that he was
3 recording members of the service before
4 that?

5 A. No.

6 Q. Did you ever have any discussion
7 with anybody about the fact that
8 Schoolcraft was recording members of the
9 services before October 31, 2009?

10 A. Again, it was overheard in
11 conversations that there was speculation of
12 people recording.

13 Q. I want to know about speculations
14 about Schoolcraft recording, when were
15 those speculations going on?

16 A. I can't say, specifically, when
17 but it was just throughout the year.

18 Q. Throughout 2009?

19 A. Throughout 2009.

20 Q. Did anybody ever confront him
21 about that?

22 A. I don't know.

23 MS. METTHAM: Objection. You
24 can answer.

25 Q. When did you first learn that

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2 Schoolcraft left the precinct on October
3 31st?

4 A. Exactly when it was, about 1:30,
5 2:00, sometime later in the afternoon,
6 around there.

7 Q. How did you find out that he
8 left?

9 A. The Sergeant came in and told me.

10 Q. What Sergeant?

11 A. I think her name was Huffman,
12 Sergeant Huffman.

13 Q. Was anybody else present for that
14 conversation?

15 A. I don't think so. She come into
16 my office and I was alone. It was just me
17 and her.

18 Q. Where was Inspector Mauriello at
19 that time?

20 A. I don't know, he wasn't in.

21 Q. What did she tell you?

22 A. Basically that Adrian Schoolcraft
23 just got up from his assignment and wanted
24 to leave because he was sick, he proceeded
25 downstairs.

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2 and if there was somebody else that could
3 reach out to him.

4 Q. When you told Mauriello what was
5 going on, what did he tell you?

6 A. I gave him the run-down of what
7 happened a short time ago and he asked me
8 what I was doing and I told him, "We are
9 trying to reach out to him and see the
10 extent of his sickness and why he left the
11 way he did."

12 Q. Did Mauriello tell you to notify
13 anybody about your investigation into
14 Schoolcraft's status or sickness?

15 MS. METTHAM: Objection. You
16 can answer.

17 A. No, I don't believe he did.

18 Q. What happened next?

19 A. Again, in summary, there was a
20 new tour coming in. I had approached
21 Lieutenant Broschart about him having to go
22 to Adrian Schoolcraft's house to see if he
23 went home.

24 Q. You told Broschart to go to his
25 home and find out if he was there; is that

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2 right?

3 A. Yes.

4 Q. What happened next?

5 A. I was waiting for Broschart to
6 get to his house to see the results of
7 that.

8 Q. You were waiting at the 81?

9 A. Yes.

10 Q. Did Broschart eventually report
11 back to you?

12 A. Yes, he did.

13 Q. When did he do that?

14 A. I don't know the exact time but
15 there was a point where he either -- he
16 reached out to me or I called him. From
17 what I could remember, he said he tried
18 knocking on the door, yelling Adrian's
19 name, there was no answer. He interviewed
20 the landlord who said that he had come
21 home. I don't know if he said he saw him
22 come home or he heard him upstairs, and
23 Lieutenant Broschart thought that he saw
24 movement through the front window, he lived
25 on the second floor, but he couldn't be one

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2 Q. Who gave you the key?

3 A. The landlord.

4 Q. Which one; the man or the woman?

5 A. I don't know, I don't know.

6 Q. Did they put it --

7 MS. METTHAM: The witness did
8 not finish.

9 A. I don't even know if they exactly
10 gave it to me or the Lieutenant.

11 Q. So when you got to the residence,
12 you went to the door. When you say, "You
13 went up to the door," you went upstairs to
14 the second floor, right?

15 A. Yes.

16 Q. How did you get past the first
17 door on the street level?

18 A. It was opened already.

19 Q. After you knocked on the door,
20 what did you do?

21 A. That's when I think I went down
22 to the see the landlord. At that point, I
23 don't know the sequence of the events;
24 whether I met the landlord first, then I
25 went upstairs and knocked, then he came

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2 down and gave me the key. All of that
3 transpired, you know, in that moment of
4 time.

5 Q. After you knocked on the door and
6 you didn't get an answer, did you leave the
7 residence and go down to the street?

8 A. Again, I couldn't really tell you
9 the sequence of events. I don't know what
10 I did first or second but, in general, at a
11 certain point, I did come down onto the
12 street.

13 Q. Had you, at that time, spoken
14 with Larry Schoolcraft that day?

15 A. At that time, I don't know when I
16 spoke to him. As I said earlier, I don't
17 know how many times we talked in total, you
18 know. I couldn't tell you. There were a
19 lot of things going on.

20 Q. I asked you about this earlier in
21 the day, when there was a time when you
22 were speaking with Larry Schoolcraft, the
23 father, and you indicated that if you had
24 some sort of confirmation either directly
25 on the phone with Schoolcraft, Adrian

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2 A. Not that I recall.

3 Q. Do you recall how the key was
4 obtained to his door?

5 MS. METTHAM: Objection. Asked
6 and answered. You can answer again.

7 A. Got it from the landlord.

8 Q. I know that but do you remember
9 who actually got it in hand from the
10 landlord?

11 A. Yeah, I don't remember.

12 Q. Then what happened after you got
13 -- "We got the key from the landlord,"
14 what happened?

15 MS. METTHAM: Objection.

16 A. I don't know the order of events,
17 how we came together and made the decision
18 that we were going to make entry into his
19 house using the key. It was decided that
20 the Emergency Service guys would go in
21 first utilizing his key.

22 Q. How were they dressed, the EMS
23 guys, Emergency ESU guys?

24 MS. METTHAM: Objection. Asked
25 and answer. You can answer again.

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A. They were in their basic uniform,
no special equipment.

Q. They didn't have a shield out?

A. No.

Q. Did they have guns drawn?

MS. METTHAM: Objection. Asked
and answered. He can answer again.

A. I don't recall, I don't remember
seeing any guns out.

Q. Before the entry was made, did
you tell the landlord that he and his
family should move away from the part where
the entry was going to take place?

A. I think we did have them come out
of their apartment at a certain point and
that we would let them know when it was
okay for them to come in.

Q. You told them to get out of their
apartment and the building for their
safety, right?

A. Yes.

Q. What were you concerned about for
their safety?

A. Well, I don't know, anything